

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

Harold Holmes,

Plaintiff(s),

V.

Seth James Brown,

Defendant(s).

2:23-cv-01487-APG-VCF

ORDER

Before the court is the United States' notice of substitution of parties and motion to update case caption and docket sheet (ECF No. 3).

No opposition has been filed and the time to file an opposition has passed. Under LR 7-2(d), The failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion.

The Court having been notified that the United States Attorney for the District of Nevada certified that defendant Seth James Brown was acting within the scope of federal employment at the time of the events alleged in the complaint, and the court having been apprised of the substitution of the United States as defendant in the complaint by operation of law under 28 U.S.C. § 2679(d)(2).

Accordingly,

IT IS HEREBY ORDERED that the United States' notice of substitution of parties and motion to update case caption and docket sheet (ECF No. 3), is GRANTED.

IT IS FURTHER ORDERED that under 28 U.S.C. §§ 2679(b)(1), (d)(2), defendant Seth James Brown is dismissed from this action on the grounds that the exclusive remedy for such claims in an action against the United States.

IT IS FURTHER ORDERED that the United States of America is substituted as the defendant in this case.

1 IT IS FURTHER ORDERED that the case caption is amended as shown in this order to reflect the
2 substitution of the United States as defendant in place of Seth James Brown.

3 IT IS FURTHER ORDERED that the Clerk of Court must update the docket sheet accordingly.

4 DATED this 12th day of October 2023.



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CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE